UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/080,765	02/22/2002	John E. Lewis	00637	1194

26285   7590   06/23/2004

KIRKPATRICK & LOCKHART LLP
535 SMITHFIELD STREET
PITTSBURGH, PA 15222

EXAMINER
AMINZAY, SHAIMA Q

ART UNIT	PAPER NUMBER
2684	

DATE MAILED: 06/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/080,765	LEWIS, JOHN E.
	Examiner	Art Unit	
	Shaima Q. Aminzay	2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *22 February 2002*.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-28* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-28* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *2, 09/27/02*.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: Application filed on 02/22/2002.

2. Independent Claims 1, 11, 12, 13, 14, 15, 22, 28, dependent claims 2-10, 16-21, and 23-27 are pending in the case.

3. The present title of the application is "Obtaining An Intelligent Roaming Database Template".

Claim Rejections - 35 USC § 103

◆   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

◆   Claims 1-27, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daly U. S. Publication number 20020193103, and in view of Bridges U. S. Publication number 20030054809.

4.   Regarding claims 1, and 11, Daly teaches obtaining IRDB information (see for example, Figure 3, 313) for a mobile communication device in a multi-service telecommunication service provider environment (see for example, paragraph [0045], lines 1-10; and further see, Figure 3, MC (31), OTAP (312) with IRDB (313)), and a plurality of ESN features associated with mobile telecommunication

devices for a plurality of wireless markets (see for example, paragraph [0045],

lines 1-10, the data base storage containing the multiple IRDB information which

contains plurality of mobile stations information, paragraph [0070], lines 1-5,

paragraph [0071], lines 1-11, the plurality of ESN features associated with mobile

telecommunication), and the ESN features being compared with an ESN

acquired from a mobile communication device in a multi-service

telecommunication service provider network for determining an up-to-date IRDB

template to be downloaded to the mobile communication device (see for

example, paragraph [0055], lines 1-4, the IRDB is downloaded to mobile

communication device, paragraph [0065], lines 1-7, network communication and

updating IRDB information, paragraph [0064] - [0071], illustrates the ESN

features being compared with ESN acquired from a mobile station (step 2 [0067],

step 8 [0069], steps1, 2, and 5 [0071])).

However, Daly does not teach the table stored in the memory containing list of

preferred wireless carrier identities, and accessing stored date by an application

program executed by a computer.

Bridges teaches the table stored in the memory containing list of preferred

wireless carrier identities (see for example, paragraph [0028], lines 1-10, and

further see paragraph [0028] – [0029], the table stored in memory containing the

list, and mobile identities including ESN in paragraph [0075], lines 9-12), and

accessing stored date by an application program executed by a computer (see

for example, Figure 4 computer (102), database (100) and the communication

(arrow) data such as ESN is shown; paragraph [0075], lines 1-12).

It would have been obvious to one of ordinary skill in the art at the time invention was made to combine Bridges' Intelligent Roaming System memory storing table containing mobiles identities ([0028], lines 1-8) with Daly's mobile telecommunication system to provide the mobile station with pre-programmed information for intelligent roaming communicating with intelligent roaming database (IRDB) to prevent "wrongly identify a favored partner/associate service provider as the customer roams through various geographic areas" (Daly, paragraph [0014], lines 14-18), and to provide personal communication services and other wireless network system, and mobile stations having intelligent roaming and over-the-air programming features (Bridges, [0003], lines 3-6).

5.   Regarding claims 12, and 15, 16, 17, 18, Daly teaches an apparatus for obtaining IRDB information (see for example, Figure 3, 313) for a mobile communication device in a multi-service telecommunication service provider environment (see for example, paragraph [0045], lines 1-10; and further see, Figure 3, MC (31), OTAP (312) with IRDB (313)), and means for receiving an ESN from a mobile communication device (see for example, Figure 3, OTAP (312), HLR (314), MSC (31), and MS (30), ESN of MS is received by OTAP, IRDB and VILR, paragraph [0058], line 1, [0065], lines 1-6, [0069], lines 13-15, [0071], lines 5-11), and means for querying a table containing ESN ranges and MIN values and a plurality of features associated with a mobile telecommunication devices for a plurality of wireless markets in accordance with

the ESN received from the mobile communication device (see for example,

Figure 3, OTAP (312), HLR (314), MSC (31), and MS (30), ESN of MS is

received by OTAP, IRDB and VILR, paragraph [0058], line 1, [0065], lines 1-6,

[0069], lines 13-15, and using the received ESN information [0071], lines 5-34).

Daly does not teach means for selecting IRDB based on ESN.

Bridges teaches the means for selecting an IRDB template from an IRDB

database based on the ESN received from the mobile communication device and

the features contained in the table (see for example, the IRDB selected based on

ESN, paragraph [0075], lines 9-12, and lines 24-29, [0077], lines 6-11, and

further, Figure 4, paragraph [0074], lines 1-18, [0075], lines 1-29).

It would have been obvious to one of ordinary skill in the art at the time

invention was made to combine Bridges' Intelligent Roaming System memory

storing table containing mobiles identities ([0028], lines 1-8) with Daly's mobile

telecommunication system to provide the mobile station with pre-programmed

information for intelligent roaming communicating with intelligent roaming

database (IRDB) to prevent "wrongly identify a favored partner/associate service

provider as the customer roams through various geographic areas" (Daly,

paragraph [0014], lines 14-18), and to provide personal communication services

and other wireless network system, and mobile stations having intelligent

roaming and over-the-air programming features (Bridges, [0003], lines 3-6)

6.   Regarding claims 13, 14, 22, 23, 24, 25, and 28, Daly teaches an apparatus

for obtaining correct IRDB information (see for example, Figure 3, 313) for a

mobile communication device in a multi-service telecommunication service

provider environment (see for example, paragraph [0045], lines 1-10; and further

see, Figure 3, MC (31), OTAP (312) with IRDB (313)), and the means for

receiving a registration notification message from a mobile communication device

(see for example, paragraph [0033], lines 6-14), and means for querying a table

containing ESN ranges and MIN values and a plurality of features associated

with a mobile telecommunication devices for a plurality of wireless markets in

accordance with the ESN received from the mobile communication device (see

for example, Figure 3, OTAP (312), HLR (314), MSC (31), and MS (30), ESN of

MS is received by OTAP, IRDB and VILR, paragraph [0058], line 1, [0065], lines

1-6, [0069], lines 13-15, and using the received ESN information [0071], lines 5-

34), and means for downloading the IRDB template to the telecommunication

device (see for example, paragraph [0055], lines 1-4).

Daly does not teach means for selecting IRDB based on ESN.

Bridges teaches the means for selecting an IRDB template from an IRDB

database based on the ESN received from the mobile communication device and

the features contained in the table (see for example, Figure 4, paragraph [0074],

lines 1-18, [0075], lines 1-29, the IRDB selected based on ESN (lines 24-29).

It would have been obvious to one of ordinary skill in the art at the time

invention was made to combine Bridges' Intelligent Roaming System memory

storing table containing mobiles identities ([0028], lines 1-8) with Daly's mobile

telecommunication system to provide the mobile station with pre-programmed

information for intelligent roaming communicating with intelligent roaming database (IRDB) to prevent "wrongly identify a favored partner/associate service provider as the customer roams through various geographic areas" (Daly, paragraph [0014], lines 14-18), and to provide personal communication services and other wireless network system, and mobile stations having intelligent roaming and over-the-air programming features (Bridges, [0003], lines 3-6).

7.   Regarding claim 2, Daly and Bridges teach claim 1, and further Bridges the capabilities of the mobile communication device consisting of single band, dual band, IRDB capability, over the air programmability (see for example, paragraph [0046], lines 6-19, and paragraph [0003], lines 3-6).

8.   Regarding claims 3, 4 and 5, Daly and Bridges teach claim 1, and further Daly teaches the MIN value provides wireless mobile communication system information about a wireless market that the mobile communication device is currently operating in (see for example, paragraph [0067], lines 6-8, paragraph [0039], lines 1-7, and [0041], lines 11-13), and the wireless mobile communication system information further comprises information selected from the group consisting of type of system from which the mobile communication device is homed (see for example, paragraph [0032], lines 6-14), and operation over an "A" band (see for example, paragraph [0008], lines 6-10, and paragraph [0010], lines 18-22), operation over a "B" band (see for example, paragraph [0008], lines 6-10), and operation over a "PCS" band (see for example, paragraph [0008], lines 1-10, and paragraph [0010], lines 18-22), SOC locked

status (see for example, paragraph [0009], lines 7-11, and paragraph [0054],

lines 1-15), and wireless market location the mobile communication device is

operating in and point code of an HLR (see for example, paragraph [0048], line 1,

and paragraph [0049], lines 1-13).

9.   Regarding claim 6, Daly and Bridges teach claim 1, and further Bridges

teaches an NPANXX value associated with the mobile communication device

(see for example, paragraph [0039], line 3-7), and the NPA/NXX value includes a

wireless market prefix in which the mobile communication device is operating

(see for example, paragraph [0039], line 3-7), and the NPA/NXX value provides

information to assist in determining the IRDB template to download to the mobile

communication device (see for example, paragraph [0039], lines 3-7, paragraph

[0055], lines 1-4, paragraph [0067], line 6-12), and the NPA/NXX value is

associated with a particular IRDB template for the mobile communication device

(see for example, paragraph [0039], line 1-7).

10.   Regarding claim 10, Daly and Bridges teach claim 1, and further Daly teaches

a message tracker for storing the up-to-date IRDB template (see for example,

paragraph [0034], line 1-7).

11.   Regarding claims 19, and 26, Daly and Bridges teach claims 15, 22, and

further Bridges teaches querying NPAINXX values.

12.   Regarding claims 20, and 27, Daly and Bridges teach claims 15, 22, and

further Daly teaches the ESN features being compared with an ESN acquired

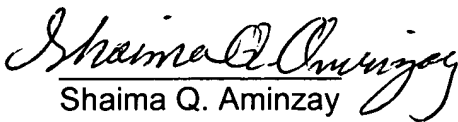from a mobile communication device in a multi-service telecommunication

service provider network for determining an up-to-date IRDB template to be
downloaded to the mobile communication device (see for example, paragraph
[0055], lines 1-4, the IRDB is downloaded to mobile communication device,
paragraph [0065], lines 1-7, network communication and updating IRDB
information, paragraph [0064] - [0071], illustrates the ESN features being
compared with ESN acquired from a mobile station (step 2 [0067], step 8 [0069],
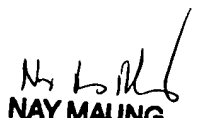steps1, 2, and 5 [0071])).

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to

   applicant's disclosure.   See PTO-892 form.

Inquiry

2. Any inquiry concerning this communication or earlier communications from the

   examiner should be directed to Shaima Q. Aminzay whose telephone number is

   703-305-8723. The examiner can normally be reached on 7:00 AM -5:00 PM.

   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

   supervisor, Nay Maung can be reached on 703-308-7745. The fax phone

   number for the organization where this application or proceeding is assigned is

   (703) 872-9314. Any inquiry of a general nature or relating to the status of this

   application or proceeding should be directed to the TC 2600's customer service

   telephone number is 703-305-3900.

NAY MAUNG
SUPERVISORY PATENT EXAMINER

Nay Maung
(SPE)

Art Unit 2684

Shaima Q. Aminzay
(Examiner)

June 12, 2004